

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Julia Shawnette Gorman,)	
)	
Petitioner,)	C.A. No. 4:22-1036-HMH-TER
)	
vs.)	OPINION & ORDER
)	
Warden Patricia Yedell,)	
)	
Respondent.)	

On July 24, 2024, the court entered an order directing Julia Shawnette Gorman (“Gorman”) “to notify the court within twenty-one days . . . whether she wishe[d] to delete her successive § 2254 claims from her Rule 60(b) motion, or whether she wishe[d] to have the entire Rule 60(b) motion treated as a successive § 2254 petition.” (Order 3, ECF No. 78.) The court warned Gorman that “[f]ailure to respond to [the] order within twenty-one days [would] result in dismissal of this action under Federal Rule of Civil Procedure 41(b).” (*Id.*, ECF No. 78.) On August 16, 2024, the court received a notice of a change of address from Gorman. (Notice, ECF No. 81.) Accordingly, the court entered another order on August 19, 2024, directing the clerk to mail the July 24 order to Gorman’s new address and sua sponte granting her an additional fourteen days to respond. (Text Order, ECF No. 82.) Since more than fourteen days have passed without a response from Gorman, dismissal of this action is appropriate.

“The Federal Rules of Civil Procedure recognize that courts must have the authority to control litigation before them, and this authority includes the power to order dismissal of an action for failure to comply with court orders.” *Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989). “In this case, [Gorman] failed to respond to a specific directive from the court.” *Id.* In

light of Gorman's noncompliance, the court dismisses this action with prejudice under Rule 41(b). Lutfi v. Training, Etc, Inc., 787 F. App'x 190, 191 (4th Cir. Dec. 13, 2019) (unpublished) ("Where a litigant has ignored an express warning that noncompliance with a court order will result in dismissal, the district court should dismiss the case."); see also Newkirk v. Northam, No. 23-6228, 2023 WL 6783859, at *1 (4th Cir. Oct. 13, 2023) (unpublished) (affirming dismissal of a pro se action where the plaintiff failed to comply with the magistrate judge's order directing him to bring his case into proper form within thirty days); Wilder v. Stein, No. 23-6699, 2024 WL 3200727, at *1 (4th Cir. June 27, 2024) (unpublished) (affirming dismissal of a § 2241 petition where the petitioner failed to comply with the magistrate judge's order directing him to pay the filing fee or apply to proceed without payment of fees within twenty-one days).

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
September 17, 2024

NOTICE OF RIGHT TO APPEAL

Gorman is hereby notified that she has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.